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MEMO ENDORSED

November 2, 2007

VIA FACSIMILE

Honorable P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007-1312

Re: Lipscomb v. City of New York, et al.
Docket No. 07-CV-4603 (PKC) (FM)


Dear Judge Castel:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to represent defendants, The City Of New York, Deputy Inspector Theresa Shortell, Sergeant Vincent Gravelli and Lieutenant Michael Casey (collectively "Defendants") in the above-referenced matter.

I write in response to Your Honor's memo endorsed order dated November 1, 2007 directing defendants to respond to plaintiff's counsel's letter dated November 1, 2007 regarding plaintiff's proposed amended complaint. In his letter counsel for plaintiff advised the Court that he provided defendants with a copy of plaintiff's proposed Amended Complaint on October 19, 2007, and has yet to receive any correspondence from us advising whether defendants would consent to plaintiff's request to amend the Complaint in this matter.

Per my conversation with Mr. Upton yesterday, after a series of previous voice messages exchanged between the parties, I notified plaintiff's counsel that defendants consented, as to form only, to plaintiff's request for leave to Amend the Complaint. Apparently, plaintiff's counsel had sent his letter to the Court shortly before our telephone conversation. Accordingly, defendants respectfully submit that a telephone conference regarding plaintiff's application is not necessary.

Respectfully submitted,


Andrez Carberry (AC 4267)
Assistant Corporation Counsel

cc: John Ware Upton (Via Facsimile)
Attorney for Plaintiff
70 Lafayette Street
New York, New York 10013
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*Leave to amend
granted provided
amended complaint is
filed by November 19.
SO ORDERED-
[Signature]
JSD
11-8-07*